

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Mitsuaki Oshima et al.	:	Art Unit:	2134
Serial No.:	10/017,973	:	Examiner:	Paul E. Callahan
Filed:	December 7, 2001	:		
For:	MARK FORMING APPARATUS, METHOD OF FORMING LASER MARK ON OPTICAL DISK, REPRODUCING APPARATUS, OPTICAL DISK AND METHOD OF PRODUCING OPTICAL DISK	:		

TERMINAL DISCLAIMER TO
OVERTCOME DOUBLE PATENTING REJECTION

Assistant Commissioner for Patents
Washington, D.C. 20231

S I R :

I, Allan Ratner, represent that I am an attorney of record for this invention.

The Assignee is Matsushita Electric Industrial Co., Ltd.

The extent of the interest in this invention that the Assignee owns is in the whole of this invention, by virtue of an assignment from the inventor of U.S. patent application Serial No. 08/560,015, filed November 17, 1995, now United States Patent No. 5,761,301.

The Assignment was recorded on April 10, 1996, Reel 7884, Frame 0122. A copy thereof is attached.

The terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of any patent granted on second pending Application No.

09/588,364, filed on June 2, 2000, the term defined in 35 U.S.C. §§ 154 to 156 and 173 is hereby disclaimed, except as provided below. It is agreed that any patent so granted on the above-identified application shall be enforceable only for and during such period that it and any patent so granted on the second pending application shall be commonly owned, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term (as defined in 35 U.S.C. §§ 154 to 156 and 173) of any patent granted on the second pending application, in the event that any such granted patent: later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is terminated prior to expiration of its full statutory term, except for the separation of legal title stated above.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of the undersigned's knowledge and belief, title is in the Assignee identified above.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code and

that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

The Assistant Commissioner for Patents is hereby authorized to charge payment of the required processing fee (\$110.00) to Deposit Account No. 18-0350 as set forth in 37 C.F.R. § 1.17.

Respectfully Submitted,

RatnerPrestia

Allan Ratner, Reg. No. 19,717
Attorney for Applicants

AR:kC

Enclosure: Copy of Assignment Recordation

Dated: April 1, 2003

Suite 301
One Westlakes, Berwyn
P.O. Box 980
Valley Forge, PA 19482-0980
(610) 407-0700

The Assistant Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. **18-0350** of any fees associated with this communication.

REC'D

JUL - 8 1996

RATNER & PRESTIA



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

JUNE 29, 1996

PTAS



100173965A

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ALLAN RATNER
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COPY

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, NORTH TOWER BUILDING, SUITE 10C35, WASHINGTON, D.C. 20231.

RECORDATION DATE: 04/10/1996

REEL/FRAME: 7884/0122
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
OSHIMA, MITSUAKI

DOC DATE: 02/20/1996

ASSIGNOR:
GOTOH, YOSHIHO

DOC DATE: 02/20/1996

ASSIGNEE:
MATSUSHITA ELECTRIC INDUSTRIAL CO. LTD.
1006, OAZA KADOMA, KADOMA-SHI
OSAKA, JAPAN 571

SERIAL NUMBER: 08560015
PATENT NUMBER:

FILING DATE: 11/17/1995
ISSUE DATE:

KEITH GOODE, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

~~COPY~~

No legalization required

ASSIGNMENT

WHEREAS, the ASSIGNOR, comprising the following named inventors:

Inventors

ASSIGNORS/
INVENTORS

1. Mitsuaki OSHIMA
2. Yoshiho GOTOH
- 3.
- 4.

TITLE

has made an invention entitled: MARK FORMING APPARATUS, METHOD OF FORMING LASER MARK ON OPTICAL DISK, REPRODUCING APPARATUS, OPTICAL DISK AND METHOD OF PRODUCING OPTICAL DISK and has executed an application for Letters Patent of the United States concurrently herewith;

WHEREAS, the ASSIGNEE, comprising the following named company:

ASSIGNEE
(Full Name
and address)

1. MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD.
of 1006 Oaza Kadoma, Kadoma-shi, Osaka 571 JAPAN

is desirous of acquiring the entire interest in and to said invention and the Letters Patent to be obtained therefor,

NOW, THEREFORE, in consideration of the payment by ASSIGNEE to ASSIGNOR of a sum corresponding to One Dollar (\$1.00), and for other good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNOR, intending to be legally bound, hereby sells, assigns and transfers to ASSIGNEE, its successors and assigns the full and exclusive right, title and interest in and to said invention, all applications for Letters Patent for said invention, including all divisions and continuations thereof, all rights to claim priority based thereon, and all Letters Patent, including reissues, to be obtained therefor, including any and all foreign patent rights in this invention corresponding thereto.

ASSIGNOR hereby warrants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this Assignment.

ASSIGNOR agrees it shall be legally bound, upon request of the ASSIGNEE or its successors or assigns or a legal representative thereof, to supply all information and evidence of which the ASSIGNOR has knowledge or possession, relating to the making and practice of said invention, to testify in any legal proceeding relating thereto, to execute all instruments proper to patent the invention in the United States of America and foreign countries in the name of the ASSIGNEE, and to execute all instruments proper to carry out the intent of this instrument.

If the invention requires a biological deposit, ASSIGNOR also grants to ASSIGNEE such control over any deposit made by ASSIGNOR as may be necessary to the validity of the patent rights assigned herein.

ASSIGNOR authorizes ASSIGNOR's attorney to insert at the end hereof the serial number and filing date of the aforesaid application for United States Letters Patent and/or the Attorney docket or file designation for this application.

If the ASSIGNOR includes more than one individual, these obligations shall apply to these individuals both individually and collectively.

IN WITNESS WHEREOF, this Assignment is executed on the day indicated below.

SIGNATURE

(Typed or Printed Name)	(Signature)	(Date)
1. Mitsuaki OSHIMA	<u>Mitsuaki Oshima</u>	Feb. 20, 1996
2. Yoshiho GOTOH	<u>Yoshiho Gotoh</u>	Feb. 20, 1996
3.	_____	_____
4.	_____	_____

Application for United States Letters Patent

Serial No. 08/600,015 Filed November 17, 1995

Attorney Docket No.: ATS-520

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Mitsuaki Oshima et al.	:	Art Unit:	2134
Serial No.:	10/017,973	:	Examiner:	Paul E. Callahan
Filed:	December 7, 2001	:		
For:	MARK FORMING APPARATUS, METHOD OF FORMING LASER MARK ON OPTICAL DISK, REPRODUCING APPARATUS, OPTICAL DISK AND METHOD OF PRODUCING OPTICAL DISK	:		

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

SIR :

Pursuant to 37 C.F.R. §§ 1.97 and 1.98 and to the duty of disclosure set forth in 37 C.F.R. § 1.56, the Examiner in charge of the above-identified application is requested to consider and make of record the references listed on the Form PTO-1449 (RP) submitted herewith. A copy of each of the listed references is also enclosed.

Although the information submitted herewith may be "material" to the Examiner's consideration of the subject application, this submission is not intended to constitute an admission that such information is "prior art" as to the claimed invention.

In accordance with 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

The following Japanese reference is not in the English language:

- 1) JP 5-234321

Reference 1) includes an English language abstract.

Reference 1) was cited in an official action by the Korean Patent Office in a patent application corresponding to the above-identified patent application. A copy of this official action, is transmitted herewith.

In the Korean Official Action, the second reference was submitted to the USPTO in a previous IDS filed December 7, 2001. The third reference, a Korean publication corresponds to JP 02-56750, filed February 19, 2003 in an IDS.

CERTIFICATION

The undersigned, an attorney registered to practice before the U.S. Patent and Trademark Office, hereby certifies that each reference disclosed in the subject Supplemental Information Disclosure Statement was cited in a communication (i.e., a search report) from a foreign patent office in a counterpart foreign application not more than three months before the filing of the Supplemental Information Disclosure Statement.

Respectfully submitted,

RatnerPrestia

Alfan Ratner, Reg. No. 19,717
Jack J. Jankovitz, Reg. No. 42,690
Attorneys for Applicants

AR:kc

Enclosures: Form PTO-1449
(1) Reference
Office Action

Dated: April 1, 2003

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One Westlakes, Berwyn
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(610) 407-0700

The Assistant Commissioner for Patents is
hereby authorized to charge payment to
Deposit Account No. **18-0350** of any fees
associated with this communication.

FORM PTO-1449 (Rev. 2-32) U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO. MTS-520US5	SERIAL NO 10/017,973
Information Disclosure Statement by Applicant (Use several sheets if necessary)		APPLICANT Mitsuaki Oshima et al.	
		FILING DATE December 7, 2001	GROUP 2134

U.S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

OTHER DOCUMENTS

(Including Author, Title, Date, Pertinent Pages, Etc.)

PC Korean Patent Office Official Action dated March 5, 2003

Examiner	Paul Cullinan	Date Considered	2-14-04
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Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.